

REMARKS

The Official Action of March 20, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 2-13, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 2-13 remain in the application for consideration.

The Examiner has rejected claims 2, 3, 7 and 10 under 35 U.S.C. §103(a) as being unpatentable over Redman '988; claims 2-4 and 7-11 under 35 U.S.C. §103(a) as being unpatentable over Redman in view of Elliot '316; claims 5, 6, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Redman in view of Hagler '214; and claims 5, 6, 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Redman in view of Elliott and in further view of Hagler. Applicant respectfully traverses these rejections as applied to independent claims 7 and 8 as amended.

The Examiner maintains that the only difference between the newly cited patent to Redman is that the claimed invention teaches that the cylinders are provided within a single block together with a dead ended compartment that receive the intake valves, the conduits and the manifold.

The Examiner, citing *In re Larson*, then states that forming in one piece an article that has formerly been formed in multiple pieces involves only routine skill in the art. Applicant does not agree.

Applicant respectfully submits that application of *In re Larson* and of the corresponding MPEP passage is not applicable with regard to the claimed invention for the following reasons:

The one-piece article argument is not relevant to this case. For example, Fig. 1 of the application and the corresponding passage (page 1, lines 9-10) already acknowledge the prior art in a single block pump. Therefore, an *In re Larson* argument has no relevance to the object of the invention because the invention does not claim a single block as being inventive, but a configuration that solves concurrently the following two technical problems.

The claimed invention is directed to resolving two distinct, but important technical problems.

The first problem is the constructional complication of the prior art which for each cylinder requires the formation of two valves containing compartments communicating with the outside and the provision of the relative sealed plugs.

The second problem arises when the pump exceeds a determined operation pressure, subjecting the region around the delivery and intake conduit connections in the cylinder head to repeated high fatigue stresses due to pressures that may exceed 300 bar.

It is apparent from Redman that the first problem is not resolved by Redman, as Redman fails to teach the claimed single block including the claimed elements therein. Redman uses two separate systems of bolts 24 and 25 to attach the manifolds 22 and 23 to the body of the pump. Therefore, there is no suggestion in Redman solving the first problem, nor can it be said that Redman teaches the skilled person in the art a way of less constructional complexity.

Indeed, column 1, lines 22-27 of Redman considers an integral casting as unsound or unpractical and in doing so in fact teaches away from the invention or at least renders Examiner's *In re Larson* argument inapplicable in specifically rejected by Redman. The integral casting of the parts 10, 26, 27 and 22 of Redman would render impossible the mounting of the suction valve, and therefore would not have been taken into consideration by the skilled man.

With regard to the second problem, the Redman abstract clearly states that the pump is made using a cylinder block that has only two passages each of uniform diameter. Accordingly, there is no suggestion in Redman of resolving the second problem in the way provided by the claimed invention, namely by means of at least a delivery conduit 80 having a diameter smaller than the diameter of the cylinder.

In comparison to Redman, the claimed invention provides small delivery conduit(s), a feature that correspondingly increases thickness and strength of the whole structure.

The above clearly indicate that a skilled man would not start from Redman and just provide for a one piece structure that would have automatically solved the above problems. Applicant respectfully submits that maintaining such position is impermissible use of hindsight.

On the contrary, the problems being resolved concurrently by the invention clearly shows inventive insight contrary to the expectations of the art.

The Examiner further rejects claims 2-4 and 7-11 over Redman in view of Elliott. The Examiner maintains that numeral 30 is the plunger seat of Elliott and is located in a single block among other elements. Applicant does not agree.

Numerals 30 is not the plunger seat but only a chamber that corresponds to the final part of the excursion of the plunger. Elliott defines the plunger seat as cylinder 14 (see column 3, line 1) and this element is not in the single block as claimed, but in another block.

Applicant respectfully submits that the claimed invention patentably defines over the cited prior art on the basis of the structural differences identified above.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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